

Provisional Mining Regulations of the People's Republic of China

*(Adopted at the 64th Meeting of the Government Administration Council on December 22, 1950;
promulgated by order of the Government Administration Council on April 18, 1951)*

Chapter I. General Provisions

Article 1.

All mines throughout the country are owned by the state. Where state operation is unnecessary or the area is not designated as a state reserve zone, private operation is permitted and encouraged.

Article 2.

Coal mines, petroleum mines, oil shale mines, and natural gas mines are under the administration of the Ministry of Fuel Industry of the Central People's Government. All other mines are under the administration of the Ministry of Heavy Industry of the Central People's Government.

Article 3.

Applications for prospecting or mining rights, once reviewed and approved by the central competent mining authority, shall be granted as follows: for state-operated mines, prospecting or mining permits shall be issued; for privately operated mines, prospecting or mining lease permits shall be issued.

Joint state-private mining enterprises are regarded as state-operated if led by the government, and as private-operated if led by private parties.

Article 4.

Applications for prospecting or mining, whether for state or private operation, may be designated as state reserve zones by the central competent mining authority if any of the following circumstances apply:

1. The domestic reserves are insufficient and must be reserved for national defense emergencies;
2. The mineral has a defense-related confidential nature and must be reserved for designated institutions;
3. Current production capacity already greatly exceeds demand, and no new mines are needed in the coming years;
4. The ore deposit requires large-scale mining and is unsuitable for fragmented operations.

Article 5.

A mining area is defined as the section of land bounded by straight lines on the surface and extending vertically downward along those boundaries.

Article 6.

Large mining areas are defined as follows: coal mines of 15 hectares or more; other mines of 2 hectares or more; and placer mines along rivers extending at least 1 km. Areas smaller than the above thresholds are small mining areas, designated only when transport is inconvenient or unsuitable for large-scale operations.

Article 7.

The term of rights: prospecting rights are limited to two years; mining rights for large areas are limited to thirty years; mining rights for small areas are limited to ten years. Upon expiration, renewal applications may be submitted.

Article 8.

The following areas may not be designated as mining zones without the approval of the relevant competent authority:

1. Within designated areas of forts, strongholds, naval bases, and airfields;
2. Within 500 meters of major industrial areas, commercial areas, or important reservoir projects;
3. Within 150 meters of major transport routes;
4. Within 500 meters of major rivers and flood-control embankments;
5. Sites of immovable cultural monuments of historical value.

Article 9.

Private development of new mines and continued operation of old mines is encouraged. However, the government may, out of necessity, reclaim such mines for state operation or designate them as state reserve zones in the following circumstances:

1. When an old mine applies for a new mining license under Article 14 of these Regulations;
2. When applying for prospecting or mining rights in a new area under Article 17;
3. When the mining term of thirty years for a large area or ten years for a small area has expired.

In such cases, the government shall purchase usable equipment from the applicant at assessed value. For applications for new mining areas, the government shall provide appropriate compensation according to the value of the deposit. If the applicant wishes to participate in operation, and is approved by the central mining authority, their investment may be accepted.

Article 10.

Mineral products essential to national defense and basic industries may, when necessary, be subject to unified purchase and sale by the central competent authority.

Article 11.

Private mines of large scale or with notable achievements in operation may, when expanding production capacity and lacking sufficient capital for new equipment and construction, submit basic construction plans to apply for government investment.

Article 12.

All state-operated and private mines must comply with labor laws relating to mines and factories, ensuring real protection for workers.

Article 13.

Scattered small mines operated with primitive methods are exempt from these Regulations if all of the following five conditions are met:

1. The mineral is for daily local use;

2. The area is remote, with poor reserves, lacking value for formal small-mine operations;
 3. Local people depend on it as a sideline occupation;
 4. Mining is shallow, with no danger of water, fire, or cave-ins;
 5. No harm or damage is caused to public property.
Local governments must draft simple management measures for such mines, to be reported via the regional authority to the central mining authority for approval. If valuable deposits are discovered during such operations, detailed surveys and recommendations must be submitted for central approval.
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Chapter II. Reorganization of Old Mining Areas

Article 14.

Mines holding licenses issued under the 1930 Mining Law, whether state- or privately operated, whose terms have not expired and which possess equipment, must, within six months of the promulgation of these Regulations, apply for continued mining. Applications shall be based on the original licensed area and remaining term, and submitted to the competent authority of the Greater Administrative Area or province (municipality) for verification, then forwarded to the central authority for approval and issuance of new licenses in accordance with Article 3.

Article 15.

Applicants for continued mining must submit the following:

1. Original mining license and mining-area map, plus five new copies of the map;
2. Five copies of a description of the ore deposit;
3. Five résumés of the applicant or legal representative, and joint application forms signed by co-partners;
4. Five copies of a description of equipment and production status;
5. Five copies of a construction and production plan for the coming year;
6. Five copies of a safety and health plan for the mine;
7. A fee of 300,000 yuan in people's currency.

Article 16.

Mines licensed under the 1930 Mining Law but lacking equipment at the time of promulgation of these Regulations must reapply for prospecting or mining rights for a new area under Chapter III.

Chapter III. Prospecting and Mining in New Areas

Article 17.

Applications for prospecting or mining, whether state or private, must first be inspected on site by the competent authority of the Greater Administrative Area or province (municipality). If the area does not overlap with existing legally designated mining zones or state reserve zones, and does not fall under Article 8, the application shall be forwarded to the central authority for approval and licensing under Article 3.

Article 18.

Applicants must submit the following:

1. **For prospecting in large areas:**
 - (1) Five copies of a mining-area map;
 - (2) Ore samples (2 kg each) or five official mineral analysis reports;
 - (3) Five prospecting plans;
 - (4) Five résumés of the applicant or legal representative;
 - (5) Five certificates of reserve funds or equipment storage lists;
 - (6) A fee of 150,000 yuan in people's currency.

2. **For mining in large areas:**
 - (1) Five copies of a mining-area map;
 - (2) Ore samples (2 kg each) or five official mineral analysis reports;
 - (3) Five ore deposit reports;
 - (4) Five mining plans;
 - (5) Five résumés of the applicant or legal representative, with joint application forms signed by co-partners;
 - (6) Five certificates of reserve funds or equipment storage lists;
 - (7) Five investment estimates;
 - (8) Five staged production forecasts;
 - (9) A fee of 300,000 yuan in people's currency.

3. **For mining in small areas:**
 - (1) Five copies of a mining-area map;
 - (2) Ore samples (2 kg each) or five official mineral analysis reports;
 - (3) Five mining plans;
 - (4) Five résumés of the applicant or legal representative, with joint application forms signed by co-partners;
 - (5) Five certificates of reserve funds or equipment storage lists;
 - (6) Five staged production forecasts;
 - (7) A fee of 150,000 yuan in people's currency.

Article 19.

If multiple private applicants apply for the same mining area, priority shall be given to the first applicant who meets all requirements under Article 18.

Article 20.

If an application for a large mining area overlaps with an existing small mining area, the small mine operator may continue until the expiration of their term, unless the central authority deems the deposit unsuitable for small-scale operation or the small-mine operator voluntarily transfers rights. The large mining area must be at least ten times the size of the existing small mining area.

Article 21.

Anyone who first discovers a valuable mineral deposit but does not apply under Article 17 may, upon verification by the local competent authority and approval by the central authority, be granted a reward proportional to the value of the discovery. Geological survey agencies, exploration institutions, and mining authorities are not eligible for such rewards.

Article 22.

Upon completion or expiration of the prospecting period, prospectors must submit results to the

local authority for reporting to the central authority. Extensions will not be granted unless extraordinary circumstances prevent completion and prior application is made.

Chapter IV. Responsibilities of Prospectors and Miners

Article 23.

Prospecting or mining rights are limited to self-operation and may not be subleased.

Article 24.

If a prospector or miner, for legitimate reasons, cannot continue operations and must transfer to another operator, approval must be obtained from the central authority through the local authority, with new licenses issued. Mineral deposits or licenses may not be treated as property for sale.

Article 25.

The central authority or its delegated agencies shall regularly review the work plans and performance of prospectors and miners. If investment, equipment, progress, or output meets or exceeds standards, the existing mining area may be retained or expanded. If standards are not met, warnings may be issued or mining areas reduced.

Article 26.

Except in cases of force majeure, prospectors or miners must begin operations within six months of receiving licenses, and may not suspend operations for more than six consecutive months.

Article 27.

Operations must employ appropriate equipment and methods suited to the deposit and geological conditions, avoiding waste or reduced recovery rates, while ensuring the area's future development.

Article 28.

Prospectors and miners must comply with safety, health, and labor regulations; take precautions against disasters, epidemics, and accidents; organize rescue teams; establish medical and sanitary facilities; and maintain rescue equipment. In case of accidents, they must handle matters responsibly. Detailed regulations shall be issued separately.

Article 29.

When mining requires use of others' land, with approval of the local mining authority and relevant organs, landowners or users shall facilitate such use. Prospectors or miners must provide fair compensation. Detailed rules shall be separately determined.

Article 30.

Prospectors and miners are obliged to pay area-use fees and mineral taxes. Detailed rules shall be separately determined.

Article 31.

If prospectors or miners violate Articles 23, 24, 26, 27, 28, or 30, the central authority may, depending on the severity, issue warnings, impose fines, or revoke mining rights.

Chapter V. Supplementary Provisions

Article 32.

These Regulations do not apply to mines with foreign capital participation.

Article 33.

Detailed implementing rules shall be formulated separately.

Article 34.

These Regulations shall come into force on the date of promulgation by the Government Administration Council of the Central People's Government.